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**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/391,844	09/08/99	INFOSINO	W 113589

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EXAMINER

TAYLOR, L

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 01/22/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trad marks**

# Office Action Summary

Application No.

09/391,844

Applicant(s)

INFOSINO, WILLIAM J.

Examiner

Larry D Taylor

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-42 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 9 and 10 is/are rejected.
- 7) ☒ Claim(s) 6 and 8 is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chapin, Jr. (US 5,984,191) in view of Lane (US 5,623,552, cited by applicant).

Chapin teaches a universal data card 40 with two magnetic regions, each region containing a different account information (see figure 7 and col. 4, lines 46-53) and each account corresponding to a same user. Account information is taken from a database and encrypted on a magnetic stripe of the card. This process can be repeated, allowing the card to be able to hold more than 4 different accounts (figure 21).

Chapin fails to discuss the account information contained on the card as coming from information identified on first and second cards. Chapin also fails to teach of passing a security step before writing the information on the data card, the security step including reading a fingerprint.

An objective of the teachings of Chapin to provide a card with multiple account information, so the user would not have to carry multiple cards (see col. 8, lines 24-32). Therefore, the information set on the card would come from or be redundant with the different account information present in other cards that the user may own or be carrying. Official Notice is taken that it would have an obvious expedient to provide such information to the data card 40

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via account information on first and second cards, as it would be one of various ways to gain access to the information needed.

Lane teaches a data card with a fingerprint sensor (see figures 1 and 2). Once a user authenticates his/her fingerprint on sensor 102, the authenticator 107 allows a programmer 110 to write user account information on magnetic stripe 109 (col. 6, lines 2-8). This concept of fingerprint authentication is well known in the art, as it is proven to provide extra security with the reading and writing of smart cards. It would have been obvious to one of ordinary skill in the art to provide this type of authentication for writing to the data card, as it would ensure the security of the user's account information.

#### ***Allowable Subject Matter***

3. Claims 11-42 are allowed.
4. Claims 6 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. The following is a statement of reasons for the indication of allowable subject matter:  
The examiner feels the prior art of record fails to teach the specific device (memory, magnetic write head, processor) for transforming a first card into a multiple magnetic stripe card having account information written thereon, the information derived by account information taken from a second and third card.

#### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Löfberg (US 4,852,985) teaches a data card with fingerprint sensing.

Scott et al. (US 6,111,977) teaches a fingerprint recognition system with card reader.

Leonard et al. (US 4,752,676) and Lalonde (US 5,844,230) teach data cards with multiple magnetic stripes.

Kakinuma et al (US 4,812,632), Ishii et al. (US 5,541,985), Togawa (US 5,708,851), Takemura (US 6,170,753 B1), Harada (EP 0793188 A2), and Okumura (JP 10255007 A) teach magnetic stripe card readers/writers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larry D Taylor whose telephone number is (703) 306-5867. The examiner can normally be reached on M-F (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Larry D Taylor  
January 16, 2001



KARL D. FRECH  
PRIMARY EXAMINER